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WASHINGTON, DC 20001

EXAMINER

JEAN GILLES, JUDE

ART UNIT

PAPER NUMBER

2143

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/895,532

Applicant(s)

WANG, BING

Examiner

Jude J. Jean-Gilles

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
4a) Of the above claim(s) 4 and 39 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-3, 5-13, 17, 20-34, 37, 38, 40-44 and 48 is/are rejected.
7) ☒ Claim(s) 14-16, 18, 19, 31, 35, 36, 45-47, 49 and 50 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 29 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This Action is in regards to the Reply received on 11/04/2005.

Response to Amendment

1. This action is responsive to the applicant's argument filed on 11/04/2005.

By the present amendment, claims 1, 5, 7-10, 15, 17-20, 23, 24, 26, 29-32, 34-37, 40, 41, 46, 48, and 50 are amended and claims 4 and 39 are cancelled without prejudice or disclaimer.

Reconsideration of the previous rejection is herein submitted and allowance of the instant application are respectfully requested but the applicants, is not granted because the application is not in condition for allowance as specified below .

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, recites the phrase "*establishing the identity of the sender*" in line 4.

There is no antecedent basis for this limitation in the claim.

Claim 20, recites the phrase "*determining the disposition of incoming..*" in line 1.

There is no antecedent basis for this limitation in the claim.

Claim 24, recites the phrase "*determining the disposition of incoming.*" in line 1.
There is no antecedent basis for this limitation in the claim.

Claim 37, recites the phrase "*determining the disposition of incoming.*" in line 2.
There is no antecedent basis for this limitation in the claim.

The above noticed problems are just exemplary. Correction is required.

Claim Rejections - 35 USC § 112

4. Claims 21 and 22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding independent claims 1 and 20, 24, 26, and 37, the term "penalty count" is not enabled in the specification in such a way one of ordinary skill in the art understand the limitation of the claimed invention. It has not been described what is a penalty. Furthermore it is not clear in view of the independent claims how one determines a cumulative penalty count and how will this concept is enabled in this invention

On the other hand, the term determining the disposition of the incoming mail is vague and broad and is not enabled in the specification in such a way one of ordinary skill in the art understand the limitation of the claimed invention. It has not been described what is a penalty.

The above noticed problems are just exemplary. Applicants are required to correct the same.

Response to Arguments

5. Applicant's arguments with respect to independent claims 1, 20, 24, 26 and 37 have been carefully considered, but are not deemed fully persuasive. Furthermore, applicant's argument regarding previously rejected claims have also been fully considered and are not persuasive. Applicant's arguments are deemed moot in view of the following new ground of rejection as explained here below, necessitated by Applicant substantial amendment (i.e., a method an apparatus wherein determining said cumulative penalty count value comprises assessing a penalty count value to said sender identifier for an undesirable activity performed by the sender) to the claims which significantly affected the scope thereof. The dependent claims stand rejected as articulated in the First Office Action and all objections not addressed in Applicant's response are herein reiterated.

In response to Applicant's arguments, 37 CFR § 1.11(c) requires applicant to "clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. He or she must show the amendments avoid such references or objections."

The Examiner maintains the arguments presented in the previous Office Action as outlined below and the rejection is therefore sustained.

Claim Objections

1. Claims 14-16, 18, 19, 31, 35, 36, 45-47, 49, and 50 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1-3, 5-10, 20-28, 29, 30, 32-34, and 37, 38, 40, and 41** are rejected under 35 U.S.C. 103(a) as being unpatentable over Donaldson et al (Donaldson), U.S. 6,321,267 B1 in view of Porras et al. (Porras), U.S. Patent No. 6,484,203 B1.

Regarding **claim 1**, Donaldson discloses the invention substantially as claimed. Donaldson teaches teach a method suitable for use in a communication device for determining the disposition of incoming e-mail from a sender (*column 2, lines 37-41; fig. 1, items 1045-1048*), said method comprising the steps of:

establishing the identity of the sender to provide a sender identifier (*column 6, lines 14-20; column 14, lines 63-67; fig. 14, items 1401-1406*);

determining a cumulative penalty count value associated with said sender

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identifier (*column 23, lines 25-36; column 22, lines 25-33; fig. 16, items 1500-1518; note that the penalty count value here is the threshold number points or the matching count*);

retrieving a system resource usage status associated with the communication device (*column 6, lines 42-52*); and

processing the incoming e-mail on the basis of said cumulative penalty count value and said system resource usage status (*column 22, lines 28-33; column 16, 12-64*).; however, Donaldson does not specifically teach the details of a method "wherein determining said cumulative penalty count value comprises assessing a penalty count value to said sender identifier for an undesirable activity performed by the sender".

In the same field of endeavor, Porras discloses (... A statistical profile to detect anomalous data transfers might include a continuous measure of file transfer size, a categorical measure of the source or destination directory of the data transfer, and an intensity measure of commands corresponding to data transfers (e.g., commands that download data). These measures can detect a wide variety of data transfer techniques such as a large volume of small data transfers via e-mail or downloading large files en masse. The monitor may distinguish between network packets based on the time such packets were received by the network entity, permitting statistical analysis to distinguish between a normal data transfer during a workday and an abnormal data transfer on a weekend evening...) [see Porras, *column 12, lines 27-40*].

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Porras's teachings of determining penalty count value to said sender identifier for an undesirable activity performed by the sender with the teachings of Donaldson, for the purpose of "

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detecting suspicious network activity based on analysis of network traffic data selected... and automatically receive and integrate the reports of suspicious activity "
as stated by Porros in lines 1-9 of column 2. By this rationale **claim 1** is rejected.

Regarding claim 2: The combination of Donaldson-Porras teach the method of claim 1 wherein said step of establishing the identity of the sender comprises the step of ascertaining an IP address for the sender (*column 6, lines 14-20*).

Regarding claim 3: The combination of Donaldson-Porras teach the method of claim 1 wherein said step of establishing the identity of the sender comprises the step of associating the sender with a peer IP address of the sender TCP connection (*column 6, lines 42-52*).

Regarding claim 5: The combination of Donaldson-Porras teaches the method of claim 4 wherein said cumulative penalty count value comprises an activity penalty count charged to the sender for current undesirable sender activity and a time-dependent penalty count determined from previous undesirable sender activity (*column 22, lines 23-33; column 5, lines 59-67; column 6, lines 1-2; note that attempting to send a copy of the message 100 times suggest that the penalty count dependent on previous undesirable sender's activity*).

Regarding claim 6: The combination of Donaldson-Porras teaches the method of claim 5 wherein said time-dependent penalty count comprises a zero value subsequent to a pre-established retention period (*column 17, lines 59-64; note that if the result is zero, then the remote host matches the particular node filter*).

Regarding claim 7: The combination of Donaldson-Porras teaches the method of claim 5 wherein said time-dependent penalty count comprises a prior activity penalty count value reduced by a time-dependent decay factor (*column 21, lines 12-56; note that the filter scans the node name of the remote host for certain sequences and adds or subtracts points*).

Regarding claim 8: The combination of Donaldson-Porras teaches the method of claim 1 wherein said undesirable activity comprises a member of the group consisting of: sending a large number of e-mails (*column 1, lines 14-20*), sending e-mails of relatively large sizes (*column 1, lines 17-19*), using a relatively large amount of TCP connection time (*column 26, lines 1-11*), and causing a TCP timeout (*column 33, lines 20-23; Note the appearance of the interrupted TCP connection*).

Regarding claim 9: The combination of Donaldson-Porras teaches the method of claim 1 wherein said system overall resource usage status is a function of a member of the group consisting of: the number of concurrent TCP connections being maintained (*column 25, lines 59-64*), the number of e-mail files in an incoming message queue, and the amount of disk space being utilized for an incoming message queue (*column 5, lines 52-58; Donaldson et al disclose a message store and its mail queue that keeps undelivered messaged for up to a week*).

Regarding claim 10: The combination of Donaldson-Porras teaches the method of claim 1 wherein said step of processing the incoming e-mail comprises the step of assigning an operating state to the communication device, said operating state being a function of said system overall resource usage status (*column 16, lines 15-19*;

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Donaldson et al disclose a proxy which deallocates resources and resets internal state variables).

Regarding claim 20: The combination of Donaldson-Porras teaches a communication device for determining the disposition of incoming e-mail from a sender, said device comprising:

a penalty count filter module (*fig. 13, item 1401*) having

means for identifying the sender (*column 6, lines 14-20; column 14, lines 63-67*);

means for assigning a penalty count to the sender, said penalty count being a function of undesirable activity associated with the sender [*see Porras, column 12, lines 27-40*].

means for determining an overall resource usage value for said communication device in receiving e-mail (*column 16, lines 12-19*);

means for specifying an operating state for said penalty count filter module, said operating state being a function of said overall resource usage value (*column 16, lines 12-19*); and

an accept/reject filter for disposing of the incoming e-mail on the basis of said sender penalty count and said operating state (*column 3, lines 43-45*).

Regarding claim 21: The combination of Donaldson-Porras teaches the method of claim 20 wherein said means for identifying the sender includes means for obtaining at least one of a Domain Name Service verification (*column 12, lines 45-49*) and a peer IP address of the sender TCP connection (*fig. 14, item 1404; fig. 13, item 1470*).

Regarding claim 22: The combination of Donaldson-Porras teaches the method of claim 20 wherein said undesirable activity comprises a member of the group consisting of:

sending a large number of e-mails (*column 1, lines 14-20*), sending e-mails of relatively large sizes (*column 1, lines 17-19*), using a relatively large amount of TCP connection time (*column 26, lines 1-11*), and causing a TCP timeout (*column 33, lines 20-23; Note the occurrence of the interrupted TCP connection*).

Regarding claim 23: The combination of Donaldson-Porras teaches the method of claim 20 wherein said system resource usage value is a function of a member of the group consisting of: the number of concurrent TCP connections being maintained (*column 25, lines 59-64*), the number of e-mail files in an incoming message queue, and the amount of disk space being utilized for an incoming message queue (*column 5, lines 52-58; Donaldson et al disclose a message store and its mail queue that keeps undelivered messaged for up to a week*).

Regarding claim 24: The combination of Donaldson-Porras teaches a communication device for determining the disposition of incoming e-mail from a sender, said device comprising:

a sender penalty count data structure for storing a current penalty count value associated with the sender (*column 23, lines 25-36; fig. 16, items 1500-1518; note that the data structure is represented by table 4 in column 23 and that matching count represents the penalty count*);

a system resource usage status file for storing a current usage status value for

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device e-mail processing resources (*column 17, lines 27-48; note that the system resource becomes unavailable for email processing once the proxy determines that the remote network has been placed in a blacklisted database*); and

an accept/reject filter for disposing of the incoming e-mail on the basis of said penalty count value [see *Porras, column 12, lines 27-40*].

Regarding claim 25: The combination of Donaldson-Porras teaches a method claim 24 wherein said sender penalty count data structure includes an entry comprising a member of the group consisting of:

a sender identification value (*column 22, lines 40-44*),
a cumulative penalty count value (*column 22, lines 46-49*),
a cumulative e-mail count (*column 32, lines 41-45; note that the number of recipient here represents the number of emails*),
a total e-mail size (*column 32, lines 45-48*),
a total TCP connection time (*column 26, lines 9-11*), and
a timestamp value (*column 4, line 27*).

Regarding claim 26: The combination of Donaldson-Porras teaches a method suitable for use in a communication device for determining the disposition of incoming e-mail from a sender, said method comprising the steps of:

identifying the e-mail sender by determining a sender IP address (*column 6, lines 14-24*);
obtaining a previous sender penalty count value calculated for said sender IP

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address (*column 22, lines 40-49; note that the matching mechanism is used here as the penalty count and that the 32-bit address for the remote host is used to calculate the IP address of its 20 neighbors*), wherein the said previous sender penalty count and accepting or rejecting the incoming e-mail based on said sender penalty count value (*column 3, lines 43-45*) and said usage status [see *Porras, column 12, lines 27-40*].

Regarding claim 27: The combination of Donaldson-Porras teaches the method of claim 26 further comprising the steps of:

maintaining a behavior trace table entry for the e-mail sender (*column 21-22, table 3*); and

determining said previous sender penalty count from said behavior trace table (*column 21-22, table 3, offset value*).

Regarding claim 28: The combination of Donaldson-Porras teaches the method of claim 27 further comprising the step of updating sender behavior values in said trace table entry in response to receipt of a sender e-mail (*column 17, lines 65-67; column 18, lines 1-7; fig. 14, item 1408; note that if the sender's IP address matches an entry in the blacklist database, the proxy server issues an error reply to the remote host, closes the connection, logs the rejected connection, and exits without any email being transferred*).

Regarding claim 29: The combination of Donaldson-Porras discloses the method of claim 28 wherein said sender behavior values include a member of the group

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consisting of: the number of e-mails, the total size of e-mails, and total time of TCP connection time (see Doaldson; *column 32, lines 41-47; column 14, lines 43-47*),.

Regarding claim 30: The combination of Donaldson-Porras teaches the method of claim 28 wherein said step of updating sender behavior values comprises the steps of:

reducing said behavior trace table value by a time-dependent decay factor (*column 21, lines 45-67; column 21, table 3; the offset value has a decay factor +1*); and adding a current behavior trace table value to said corresponding reduced behavior trace table value (*column 21, lines 45-67; column 21, table 3*).

Regarding claim 32: The combination of Donaldson-Porras teaches the method of claim 26 wherein said sender penalty count value is determined from undesirable sender activity occurring over a pre-established retention period (*column 5, lines 52-58; note that the relay host will usually keep undelivered messages in its queue for up to a week*).

Regarding claim 33: The combination of Donaldson-Porras teaches the method of claim 32 wherein said undesirable activity comprises a member of the group consisting of:

sending a large number of e-mails (*column 1, lines 14-20*), sending e-mails of relatively large sizes (*column 1, lines 17-19*), using a relatively large amount of TCP connection time (*column 26, lines 1-11*), and causing a TCP timeout (*column 5, line 52-54; column 33, lines 20-23; note the occurrence of the interrupted TCP connection*).

Regarding claim 34: The combination of Donaldson-Porras teaches the method of claim 26 further comprising the step of updating said previous sender penalty count value (*column 21, lines 12-15*).

Regarding claim 37: The combination of Donaldson-Porras teaches the method for by a communication device for determining the disposition of incoming e-mail from a sender (*column 2, lines 37-41; fig. 1, items 1045-1048*), said method comprising steps of:

establishing an identity of the sender (*column 6, lines 14-20; column 14, lines 63-67; fig. 14, items 1401-1406*);

determining a cumulative penalty count value associated with said identity, wherein said cumulative penalty count is based on a behavior of the undesirable activity performed by sender [see *Porras, column 12, lines 27-40*].

retrieving a system overall resource usage status associated with the communication device (*column 6, lines 42-52*); and

processing the incoming e-mail based on the cumulative penalty count value and the system overall resource usage status (*column 22, lines 28-33; column 16, 12-19*).

Regarding claim 38: The combination of Donaldson-Porras teaches the method of claim 37, wherein said step of establishing the identity of the sender comprises the step of ascertaining an IP address of the sender (*column 6, lines 14-20*).

Regarding claim 40: The combination of Donaldson-Porras teaches the method of claim 37, wherein said cumulative penalty count value comprises a prior penalty count value reduced by a time-dependent decay factor(*column 21, lines 12-56; note that*

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the filter scans the node name of the remote host for certain sequences and adds or subtracts points).

Regarding claim 41: The combination of Donaldson-Porras teaches the method of claim 37 wherein said step of processing the incoming e-mail comprises the step of assigning an operating state to the communication device, said operating state being a function of said system time-dependent resource usage status (*column 16, lines 12-19*).

5. **Claims 11-13, 17, 42-44, and 48** are rejected under 35 U.S.C. 103(a) as being unpatentable over Donaldson and Porras, in view of Munger et al (Munger), U.S. 6,502,135 B1).

Regarding **claims 11 and 42**, the combination Donaldson-Porras teaches the invention substantially as claimed. Donaldson discloses a method, wherein said operating state is a member of the group consisting of a normal operating state (see *Donaldson; column 16, lines 15-19*), and a selective-rejection operating state (see *Donaldson; column 14, lines 63-67, column 15, lines 1-2*), but fails to specifically disclose a random-rejection operating state.

In the same field of endeavor, Munger discloses (*..a random sync values that feed a random number generator, to prevent spooling attacks using a hashing technique of a time stamp or sequence number, and to establish the concept of future and past states while validating or rejecting the incoming packets in a network device...*) [see *Munger, column 26, lines 14-45*].

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Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Munger's teachings of the random rejection of incoming packets, with the teachings of Donaldson, for the purpose of " *getting advantage of quickly rejecting packets from unauthorized users such as hacker computer 3105...* " as stated by Munger in lines 25-36 of column 45. By this rationale **claims 11 and 42** are rejected.

Regarding **claims 12 and 43**, the combination Donaldson-Porras-Munger teaches a method wherein, for said selective-rejection state, if said cumulative penalty count value has a zero value, said step of processing the incoming e-mail comprises the step of accepting the incoming e-mail [see *column 17, lines 38-67*]. The same motivation that was utilized in the combination of claims 11 and 42, applies equally as well to claim 12 and 43 [see Munger, column 45, lines 25-36]. By this rationale **claims 12 and 43** are rejected.

Regarding **claims 13 and 44**: the combination Donaldson-Porras-Munger teaches a method wherein, for said selective-rejection state, if said cumulative penalty count value has a nonzero value [see *Donaldson, column 22, lines 34-62*], said step of processing the incoming e-mail comprises the steps of: specifying a rejection factor; generating a random number; and randomly rejecting the incoming e-mail on the basis of said rejection factor and said random number [see *Munger, column 28, lines 5-67, column 29, lines 1-64*]. The same motivation that was utilized in the combination of claims 11 and 42, applies equally as well to claim 13 and 44 [see *Munger, column 45, lines 25-36*]. By this rationale **claims 13 and 44** are rejected.

Regarding **claims 17 and 48**: the combination Donaldson-Porras-Munger teaches a method wherein if said cumulative penalty count value has a zero value [see *Donaldson*, column 17, lines 59-67], said step of processing the incoming e-mail comprises the steps of: deriving an overall resource usage factor; generating a random number; and randomly rejecting the incoming e-mail on the basis of said overall resource usage factor, said random number, and said cumulative penalty count value [see *Munger*, column 28, lines 5-67, column 29, lines 1-64]. The same motivation that was utilized in the combination of claims 11 and 42, applies equally as well to claim 17 and 48 [see *Munger*, column 45, lines 25-36]. By this rationale **claims 17 and 48** are rejected.

Response to Arguments

8. Applicant's Request for Reconsideration filed on November 11/04/2005 has been carefully considered but is not deemed fully persuasive. However, because there exists

the likelihood of future presentation of this argument, the Examiner thinks that it is prudent to address Applicants' main points of contention.

A. Applicants contend Donaldson provides an email filter which examines the hostname of the SMTP server sending an email. Donaldson's filter compares the name of the connecting host with its immediate neighbors, using a heuristic approach to correlate a sequence of names ms dialups or non-dialups."

(Co1. 21, lines 3-6) There is no undesirable activity performed by the sender alleged in Donaldson.

B. Applicants contend that "there is no retrieving and there is no system overall resource usage status retrieved, merely the deallocating of resources and resetting of state variables associated with a single email message".

C. Applicants contend Donaldson cannot process incoming e-mail based on the system overall resource usage status.

D. Applicants contend Applicant notes with appreciation the indication of allowable subject matter in claims 14-16, 18-19, 31, 35, 36, 45-47, and 49-50. Applicant has not rewritten these claims in independent form because Applicant maintains that all claims are presently allowable bmsed on the arguments and remarks presented herein. Furthermore, claims 18, 19, 31, 35, 46, and 50 have been amended merely to reflect changes in their respective base claims.

E. Applicant contends that **claims 11-13** rejection over Donaldson in view of Munger is respectfully traversed, because there is no motivation or suggestion to combine Donaldson with Munger.

9. As to "Point A" it is the position of the Examiner that Donaldson does not teach in details undesirable activity performed by the sender. However new patent reference of Porras teaches this limitation of the claim. See rejection of claim 1 above.

As to "points B", it is also the Examiner's position that Donaldson a single-threaded implementations, the proxy simply exits. In multi-threaded implementations, the proxy deallocates the resources (sockets, memory buffers, etc.) used for the message exchange and resets internal state variables to indicate that the message is no longer active [see *Donaldson*, page 16, column 12-20].

As to "point C" it is the examiner's position that there is sufficient motivation or suggestion to combine Donaldson with Munger to reject claims 11-13 over Donaldson in view of Munger [see *rejection of claims 11-13 above*].

As to "point D" [see *rejection of independent claims 1, 20, 24, 26, and 37 above*].

As to "point E" it is the examiner's position that there is sufficient motivation or suggestion to combine Donaldson with Munger to reject claims 11-13 over Donaldson in view of Munger [see *rejection of claims 11-13 above*].

Examiner notes with delight that no new matter has been added and that the new claims are supported by the application as filed. However, applicant has failed in presenting claims and drawings that delineate the contours of this invention as compared to the cited prior art. Applicant has failed to clearly point out patentable

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novelty in view of the state of the art disclosed by the references cited that would overcome the 102(e) anticipation and the 103(a) rejections applied against the claims, the rejection is therefore sustained.

Conclusion


10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE NON-FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

11. Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3719.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Jude Jean-Gilles
Patent Examiner
Art Unit 2143


DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

JJG 

March 17, 2005